

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANCIS CICCARONE d/b/a	:	
COMMERCE SQUARE APARTMENTS,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 02-CV-5157
NATIONWIDE PROPERTY AND	:	
CASUALTY INSURANCE COMPANY,	:	
Defendant.	:	

ORDER

Presently before the Court is Plaintiff's Motion for Remand. On or around July 23, 2002, Defendant filed a Notice of Removal, removing the above-captioned action from the Court of Common Pleas, Philadelphia County, and instituting suit in the United States District Court for the Eastern District of Pennsylvania on the basis of diversity jurisdiction. In the instant motion, Plaintiff requests that the Court remand the above-captioned action to the Court of Common Pleas, Philadelphia County, asserting that Defendant should not be permitted to remove this action because Defendant failed to file a Notice of Removal within thirty (30) days after receiving Plaintiff's Complaint, as required under 28 U.S.C. § 1446(b).¹

Notwithstanding Plaintiff's contention, Defendant has not responded to the instant motion. On or about August 1, 2002, Plaintiff filed the instant motion in this Court, and according to the Certificate of Service attached to Plaintiff's motion, on July 31, 2002, served

¹Title 28 U.S.C. § 1446(b) states:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.

Defendant's counsel at their address of record. To date, Defendant has not filed a response.

According to Local Rule of Civil Procedure 7.1(c), a response must be filed within 14 days from the date of the filing of the original motion; otherwise, the motion will be treated as uncontested.

Therefore, pursuant to Local Rule of Civil Procedure 7.1(c), I will grant the uncontested motion and will order the Clerk of the Court to remand the above-captioned action to the Court of Common Pleas, Philadelphia County.

AND NOW, this _____ day of September, 2002, upon consideration of Plaintiff's Motion for Remand, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Remand is **GRANTED**; and
2. The **Clerk of the Court shall REMAND** the above-captioned action to the **Court of Common Pleas, Philadelphia County**, from which it was removed.

BY THE COURT:

CLIFFORD SCOTT GREEN, S.J.